

**ORDINANCE NO. 2023-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A NOVEMBER 7, 2023, SPECIAL ELECTION FOR THE PURPOSE OF A COMBINED BALLOT PROPOSITION REDUCING THE ECONOMIC DEVELOPMENT SALES AND USE TAX AND ADOPTING A STREET MAINTENANCE SALES AND USE TAX; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Bastrop, Texas (“City”), seeks to call a special election to be held on November 7, 2023, for the purpose of a combined ballot proposition for reducing the Economic Development Sales Tax from the existing rate of one-half of one percent (0.50%) to a rate of one-eighth of one percent (0.125%), and adopting a Street Maintenance Sales Tax at a rate of three-eighths of one percent (0.375%), as hereinafter set out; and

**WHEREAS**, in 1995, the voters of the City approved and the City adopted a sales and use tax at a rate of one-half of one percent (0.50%) to be used for the promotion of and development of new or expanded business enterprises and any other purpose authorized by Section 4B, Article 5190.6, of the Development Corporation Act of 1979, as amended (the “Economic Development Sales Tax”); and

**WHEREAS**, the proceeds from the Economic Development Sales Tax have been used to fund the operations of the Bastrop Economic Development Corporation, a Type B economic development corporation established and operating under the provisions of the Development Corporation Act, as amended (which has subsequently been codified, in Texas Local Government Code [Tex. Loc. Gov’t Code] Chapters 501 through 507); and

**WHEREAS**, pursuant to Tex. Loc. Gov’t Code Section 505.2566, the tax rate of the Economic Development Sales Tax may be reduced to any rate that is an increment of one-eighth of one percent (0.125%) by an election for that purpose under Texas Tax Code Chapter 321; and

**WHEREAS**, Texas Tax Chapter 327 allows the City to adopt a sales and use tax for the maintenance and repair of municipal streets (the “Street Maintenance Sales Tax”), which may be adopted at a tax rate that is an increment of one-eighth of one percent (0.125%), by an election for that purpose under the procedures of Texas Tax Code Chapter 321; and

**WHEREAS**, under Texas Tax Code Section 321.409, the City may by a combined ballot proposition reduce a municipal sales tax and by the same proposition adopt another municipal sales tax; and

**WHEREAS**, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and an ordinance must be passed establishing the procedures to be followed in the election and designating the voting places for the election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:**

**Section 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2.** It is hereby ordered that a special election be held in the City of Bastrop on November 7, 2023, in conformance with all applicable laws and as provided in this Ordinance, for the purpose of submitting to the voters a certain proposed combined ballot proposition regarding sales and use taxes in the City of Bastrop.

**Section 3.** All qualified voters of the City shall be entitled to cast a vote in the special election of the City.

**Section 4.** At the special election for consideration of the proposed combined ballot proposition regarding sales and use taxes in the City of Bastrop, the voters of the City of Bastrop may vote FOR or AGAINST the following proposition:

**PROPOSITION A**

Without increasing the current combined rate of all local sales and use taxes imposed by the City of Bastrop, the adoption of a local sales and use tax within the City of Bastrop for the promotion and development of new and expanded business enterprises and any other purpose authorized by Texas Local Government Code Chapter 505, as amended, at the rate of one-eighth of one percent (0.125%), which is a reduction from the current local sales and use tax for this purpose at a rate of one-half of one percent (0.50%), and the adoption of an additional local sales and use tax within the City of Bastrop at the rate of three-eighths of one percent (0.375%) to provide revenue for maintenance and repair of municipal streets and any other purpose authorized by Texas Tax Code Chapter 327, as amended.

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**Section 5.** This City has eight (8) election precincts and voters are allowed to vote at any of the locations. The election shall be held at the following locations:

**ELECTION DAY POLLING LOCATIONS**

**For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 (including all of the area within the boundaries of the Bastrop City limits) the election polling places shall be as follows:**

Aqua Water Supply	415 Old Austin Hwy	Bastrop
River Valley Christian Fellowship	1224 W. Hwy 71	Bastrop
Ascension Catholic Church	804 Pine St.	Bastrop
Paige Community Center	107 S. Main St.	Paige
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Rec Center	106 Royston St.	Smithville
Rosanky Community Center	135 Main St.	Rosanky
Bastrop County Cedar Creek Annex	5785 FM 535	Cedar Creek
Red Rock Community Center	114 Red Rock Rd.	Red Rock
Elgin Recreation Center	361 N. Hwy 95	Elgin
Faith Lutheran Church	230 Waco St.	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop County ESD#2 Station 4	1432 N. Hwy 95	Bastrop

**Section 6.** The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the elections. Voting at such elections shall be prepared in conformity with the Texas Election Code.

**Section 7.** Section 61.012 of the Texas Election Code requires at least one accessible voting system in each polling place. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

**Section 8.** The Office of the Texas Secretary of State has certified that the Election Systems & Software’s (ES&S) EVS 6110 which includes the Express Vote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner is an accessible voting system that may legally be used in Texas elections.

**Section 9.** Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of voting of such voting systems.

**Section 10.** For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the presiding officer will be determined at a later date by the Bastrop County

Elections Administrator. The Presiding Judge at such election shall appoint no less than two (2), no more than five (5) clerks on election day.

**Section 11.** The polls at the above-designated polling place shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

**Section 12.** The City will use its official website to post those notices required by law and any election information it deems necessary during the conduct of this election. The City’s website is <https://www.cityofbastrop.org>.

**Section 13.** Kristin Miles, Bastrop County Elections Administrator, is hereby appointed Clerk for Early Voting. Early voting begins on October 23, 2023, the seventeenth (17<sup>th</sup>) day before the election and ends on November 3, 2023, the fourth (4<sup>th</sup>) day preceding the date of the election.

**EARLY VOTING DATES, TIMES, AND LOCATIONS  
(voters are allowed to vote at any of the locations)**

**Main Location:**

Bastrop County Courthouse Annex, Lower-Level Conference Room, 804 Pecan St., Bastrop, Texas 78602.

**Branch Locations:**

Smithville City Hall, 317 Main St., Smithville  
 Cedar Creek United Methodist Church, 5630 FM 535, Cedar Creek  
 Elgin Public Library, 404 N. Main St., Elgin

**October 23, 2023– November 3, 2023**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
23 8am – 5pm	24 8am – 5pm	25 8am – 5pm	26 8am – 5pm	27 8am – 5pm	28 9am – 12pm
30 8am – 5pm	31 8am – 5pm	1 8am – 5pm	2 7am – 7pm	3 7am – 7pm	

**Section 14.** Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Kristin Miles, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications for ballots by mail must be received no later than the close of business on October 27, 2023, the eleventh (11<sup>th</sup>) day before the election.

**Section 15.** The Early Voting Ballot Board shall be created pursuant to Section 87.0001 et seq. of the Texas Election Code and shall process early voting results in accordance with the Texas Election Code. The Early Voting Ballot Board shall consist of the presiding judge, an alternate presiding judge, and at least one (1) other member, appointed in accordance with Section 87.002 et seq. of the Texas Election Code. For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017, Staci Calvert is hereby appointed as Presiding Judge of the Early Voting Ballot Board.

**Section 16.** Members of the Early Voting Ballot Board will be compensated in accordance with Section 87.005 of the Texas Election Code. The Presiding Judge and Alternate Presiding Judges will receive compensation at the rate of \$12.00 per hour. The Clerks will receive compensation at the rate of \$10.00 per hour. The Presiding Judge or his/her designee will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies after the polls close.

**Section 17.** The special election shall be held in accordance with the Election Code and Local Government Code of this State and only resident qualified voters of the City shall be eligible to vote at the election.

**Section 18.** The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004 and 85.007 of the Election Code, Section 9.004 of the Local Government Code, and all necessary orders and writs for the election shall be issued by the proper authority. Returns of the election shall be made to the City Council immediately after the closing of the polls.

**Section 19.** The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the Charter and Ordinances of the City of Bastrop.

**Section 20.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby adopted and made a part of this ordinance for all purposes.

**Section 21.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 22.** This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this resolution conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

**READ and ACKNOWLEDGED** on First Reading on the 8<sup>th</sup> day of August, 2023.

**READ and APPROVED** on Second Reading on the 15<sup>th</sup> day of August, 2023.

**APPROVED:**

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Lyle Nelson, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney